

1 Gary L. Bethune
2 BETHUNE & ASSOCIATES
3 14435 North 7th Street, Suite 201
Phoenix, AZ 85022
3 Telephone: (800) 783-5402
Facsimile: (800) 783-8713

4
5 Attorneys for Plaintiff
AT&T Corp.

6 Peter C. Lagarias (State Bar No. 77091)
7 THE LEGAL SOLUTIONS GROUP, LLP
1629 Fifth Avenue
8 San Rafael, CA 94901-1828
Telephone: (415) 460-0100
9 Facsimile: (415) 460-1099

10 Attorneys for Defendant and Cross-Complainant
Air Brokers International, Inc.

11 Susan Page White (State Bar No. 137125)
12 DICKSTEIN SHAPIRO MORIN & OSHINSKY, LLP
10866 Wilshire Boulevard, Suite 300
13 Los Angeles, CA 90024-4355
Telephone: (310) 441-8460
Facsimile: (310) 441-8470

14 Attorneys for Cross-Defendants
15 NextiraOne, LLC and NextiraOne
California, LP

16
17 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO

18 AT&T CORP., a New Cork Corporation,

CASE NO.: C 04-5148 MEJ

19 Plaintiff,

v.

20 AIR BROKERS INTERNATIONAL, INC., a
21 California Corporation,

22 Defendant .

23 AIR BROKERS INTERNATIONAL, INC., a
24 California Corporation,

25 Cross-Complainant ,

26 v.
27 NEXTIRAONE, LLC, a Texas Limited Liability
Company, and NEXTIRAONE CALIFORNIA, LP,
a California Limited Partnership;

28 Cross-Defendants .

**STIPULATION AND ORDER FOR STAY
TO ENABLE PARTIES TO COMPLETE
MEDIATION**

STIPULATION AND ORDER

Comes now, plaintiff, AT&T Corp., defendant and cross-complainant, Air Brokers International, Inc., and cross-defendants NextiraOne, LLC and NextiraOne, California, LP (collectively, the “Parties”), by and through their respective counsel, and together hereby present this stipulation (the “Stipulation”) with respect to the following deadlines for this case as follows:

WHEREAS, the Parties agreed to mediate this matter prior to discovery seeking to avoid costly expenses in this action in which AT&T seeks damages under \$50,000;

WHEREAS, a mediator, R. Stephen Goldstein, was not appointed until July 2005;

WHEREAS, the Parties and the mediator have agreed to a mediation on August 10, 2005;

WHEREAS, the Rule 26 disclosures of the Parties are currently scheduled for July 29, 2005, which will require attorneys' fee and discovery expenses for the Parties prior to the mediation on August 10, 2005;

WHEREAS, the Parties would like to mediate this action and cross-action in an attempt to resolve all disputes before the Parties are forced to incur substantial attorneys' fees and costs.

NOW THEREFORE, in recognition of the foregoing, the Parties agree and stipulate as follows:

1. Cross-Defendants' Response to Cross-Complaint. The Parties agree that Cross-defendants now have until and through **October 6, 2005**, in which to respond to the initial cross-complaint.

2. Rule 26(f) Meeting and Reports and Case Management Statements The Parties shall have until and through **September 29, 2005**, in which to complete initial disclosures or state objections in Rule 26(f) Reports, file and serve their Case Management Statements, and file and serve their Rule 26(f) Reports.

3. Case Management Conference. The Parties agree to the Court setting a new Case Management Conference after **October 6, 2005**, if the action has not been settled.

IT IS SO STIPULATED.

1
2 DATED: July 13, 2005

BETHUNE & ASSOCIATES, LLP

3
4 By: 

5 Gary L. Bethune
6 Attorneys for Plaintiff
7 AT&T Corp.

8
9 DATED: July 13, 2005

10 THE LEGAL SOLUTIONS GROUP, LLP

11 By: 

12 Peter C. Lagarias
13 Attorneys for Cross-Complainant
14 Air Brokers International, Inc.

15
16 DATED: July 13, 2005

17 DICKSTEIN SHAPIRO MORIN & OSHINSKY
18 LLP

19 By: 

20 Susan Page White
21 Attorneys for Cross-Defendants
22 NextiraOne, LLC and NextiraOne California,
23 LP

24
25
26
27
28

ORDER ON STIPULATION

The court having reviewed the stipulation and for good cause shown to allow mediation to be completed, continues the Rule 26(f) reports and case management filing dates until September 29, 2005, and the Cross-defendants' response to the Cross-Complaint filing date until October 6, 2005, and will set a Case Management Conference thereafter.

SO ORDERED, this 14 day of July, 2005

Honorable Maria-Elena James
United States District Court

